

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

14-1455

ELI LILLY AND COMPANY,
Plaintiff – Appellee,

v.

TEVA PARENTERAL MEDICINES, INC., APP PHARMACEUTICALS LLC, PLIVA HRVATSKA D.O.O., TEVA PHARMACEUTICALS USA, INC., and BARR LABORATORIES, INC.,
Defendants – Appellants.

Appeal from the United States District Court for the Southern District of Indiana in No. 1:10-cv-01376-TWP-DKL, Judge Tonya Walton Pratt.

MANDATE

In accordance with the judgment of this Court, entered July 25, 2014, and pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure, the formal mandate is hereby issued.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

cc: Elaine Blais
Clerk of Court, Southern District of Indiana (Indianapolis)
Michael B. Cottler
Bruce Genderson
Dov Philip Grossman
David M. Krinsky
Adam Lawrence Perlman
Brian Joseph Prew
Emily L. Rapalino
Andrew V. Trask
Daryl L. Wiesen

NOTE: This order is nonprecedential.

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Plaintiff-Appellee,

v.

**TEVA PARENTERAL MEDICINES, INC., APP
PHARMACEUTICALS LLC, PLIVA HRVATSKA
D.O.O., TEVA PHARMACEUTICALS USA, INC., AND
BARR LABORATORIES, INC.,**
Defendants-Appellants.

2014-1455

Appeal from the United States District Court for the
Southern District of Indiana in No. 1:10-cv-01376-TWP-
DKL, Judge Tonya Walton Pratt.

ON MOTION

Before REYNA, BRYSON, and TARANTO, *Circuit Judges.*
BRYSON, *Circuit Judge.*

O R D E R

The parties jointly move to remand this appeal so that
they can litigate the issue of infringement in light of the

United States Supreme Court's recent decision in *Lime-light Networks, Inc. v. Akamai Technologies, Inc.*, 134 S. Ct. 2111 (2014). In the district court, the parties jointly stipulated to induced infringement and proceeded to trial only on validity. As part of that stipulation, however, appellants reserved the right to litigate infringement if the Supreme Court granted the then-pending petition for writ of certiorari in *Akamai* and reversed or vacated this court's decision.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. This case is remanded for further proceedings consistent with this order.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

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ISSUED AS A MANDATE: July 25, 2014